IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22519 of 2007(E)

PETITIONER:

VALLUVANAD HOSPITAL COMPLEX LIMITED,
7/702 A, SHORANUR, PALAKKAD ROAD,
KANNIYAMPURAM POST, OTTAPPALAM, PALAKKAD-679104,
REPRESENTED BY ITS CHAIRMAN DR.M.RAMAKRISHNAN.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. THE DEPUTY TAHSILDAR(RR),
OTTAPPALAM.

2. THE ASSESSMENT OFFICER,
BUILDING AND OTHER CONSTRUCTION WORKERS,
WELFARE CESS ACT, PALAKKAD.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.22519 of 2007

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Dated this the 23rd day of July 2007

JUDGMENT

The petitioner challenges Ext.P2 assessment order under the Building and Other Construction Workers Welfare Cess Act, 1996 and the recovery proceedings as per Ext.P1 notice. The petitioner contends that he has not been served with Ext.P2 in order enable him to file an appeal against that order. The petitioner would need a certified copy of the same for filing appeal. However, the second respondent is not issuing a certified copy on the ground that since the order has already been issued to the petitioner, if a fresh certified copy is issued, the petitioner may use the same to escape from the objection regarding limitation in filing the appeal. The petitioner also contends that in Ext.P2 the second respondent has not applied his mind since the same is in cyclostyled form prepared by filling up the blanks therein.

After having heard the learned counsel for the petitioner and the learned Government Pleader, I dispose of this writ petition with a direction to the second respondent to issue a

certified copy of Ext.P2 to the petitioner without prejudice to the contention of the second respondent that Ext.P2 order was earlier issued to the petitioner, to enable the petitioner approach an Appellate Authority. But I make it clear that I have not gone into the merits of the case including the question as to whether the order was earlier issued to the petitioner. I direct that further proceedings pursuant to Exts.P1 and P2 shall be kept in abeyance for a period of one month for facilitating filing of an appeal.

S.SIRI JAGAN, JUDGE

dvs